

1 STATE OF OREGON

2 TEACHER STANDARDS AND PRACTICES COMMISSION

3 In the Matter of the Teaching and Personnel  
4 Service Licenses of

5 SCOTT CARPENTER

SURRENDER OF PERSONNEL SERVICE  
LICENSE, STIPULATION, PUBLIC  
REPRIMAND AND ORDER OF  
PROBATION

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7 On April 14, 2000, the Teacher Standards and Practices Commission (Commission)

8 issued an Amended Notice of Hearing to Scott Carpenter in which the Commission charged

9 Mr. Carpenter with misconduct, and proposed to suspend, revoke or otherwise impose discipline

10 as provided under ORS 342.177. Mr. Carpenter requested a hearing. The Commission and

11 Mr. Carpenter have now reviewed the matters alleged and have agreed that their respective

12 interests, together with the public interest, are best served by a surrender of Mr. Carpenter's

13 Personnel Service License and a stipulation to certain facts. In entering into this stipulation,

14 Mr. Carpenter waives his right to a hearing. This stipulation sets forth the facts upon which the

15 parties have agreed and the Commission's order accepting Mr. Carpenter's surrender of his

16 Personnel Service License, the revocation of that license, the imposition of a public reprimand as

17 to his teaching license and the imposition of a period of probation.

18 This stipulation and order is contingent upon approval and adoption by the Commission.

19 If the Commission does not adopt the stipulation and order, neither Mr. Carpenter nor the

20 Commission shall be bound by the Stipulation, and Mr. Carpenter shall retain all rights to a

21 hearing on the allegations set forth in the Amended Notice.

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## STIPULATED FACTS

Mr. Carpenter and the Commission stipulate as follows:

1. Mr. Carpenter has held an Oregon Teaching License and has served as an educator since 1976. He was employed as a teacher at Gresham High School from 1981 to 1992 and as a counselor at from 1992 until April 1999 when he was reassigned to a teaching position. He continues to be employed as a teacher at the Gresham High School.
2. During the 1998-99 school year, a female high school student, referred to in this stipulation as L.C., was employed as a student worker in the counseling office at the high school. She worked under Mr. Carpenter's supervision.
3. In February or early March 1999, L.C. informed Mr. Carpenter that she had been accepted for admission to a college in Massachusetts. Mr. Carpenter invited L.C. to go to lunch to celebrate. Following this, Mr. Carpenter and L.C. arranged to go to lunch on Friday, March 12, which was a school in-service day.
4. Mr. Carpenter was supposed to attend a department luncheon on March 12. He intentionally misrepresented to his supervising principal and department chair that he could not attend the luncheon because he had scheduled a conference with a parent.
5. Carpenter arranged to meet L.C. in the high school parking lot. He drove her to lunch at the Newport Bay Restaurant at Jantzen Beach, a distance approximately 14 miles from the high school.
6. On the way to lunch and during lunch, Mr. Carpenter discussed inappropriate topics that included nude sunbathing and references to a friend in college who modeled nude for an art class.

- 1 7. During the March 12 conversations, Mr. Carpenter told L.C. that the two of them  
2 were "special friends" who can do things together and keep secrets. He stated  
3 that he and L.C. could "unzip the curtain and step inside" a world where they  
4 would not be known. He also indicated his desire to share future time with L.C.  
5 during the summer.
- 6 8. During the conversations with L.C., Mr. Carpenter discussed and identified steps  
7 that he and L.C. could take to keep their future meetings a secret. These steps  
8 included leaving the school campus in separate cars and meeting at the  
9 Multnomah Kennel Club parking lot where one of their cars would be left. He  
10 asked L.C. if her mother had Caller I.D. on the telephone to determine whether  
11 she would be able to detect if Mr. Carpenter called L.C. at home.
- 12 9. Following lunch at the Newport Bay Restaurant, Mr. Carpenter and L.C. drove to  
13 a parking lot near a moorage area where a boat owned by Mr. Carpenter was kept.  
14 At that time, Mr. Carpenter gave L.C. a poem he had written that he said  
15 expressed his feelings towards her.
- 16 10. During the following week, Mr. Carpenter had L.C. called out of class to meet him in  
17 his office. At that time he gave L.C. a letter he had written over the weekend  
18 consisting of approximately 12 pages. The letter expressed Mr. Carpenter's personal  
19 attraction to L.C. It included references to slow dancing together, sitting in the hot  
20 tub thinking about her, wishing she was here in front of the fire.
- 21 11. On March 15, 1999, Mr. Carpenter contacted L.C. and asked her to return the  
22 letter to him, as it would cause trouble if others saw it. L.C. returned the letter to  
23 Carpenter.



1 15. In a letter dated May 20, 1999, Sheila Rogers Borden, LCSW, ACSW, reported  
2 that Mr. Carpenter had attended three sessions with the employee assistance  
3 program. Ms. Rogers stated that Mr. Carpenter had expressed remorse and an  
4 understanding that his behavior was inappropriate. She further stated that in her  
5 clinical judgment, at this time based on the information presented, it appears that  
6 Mr. Carpenter has none to minimal risk of repeating the behaviors that reportedly  
7 occurred with the female student.

8 16. Mr. Carpenter has received favorable evaluations during his employment with the  
9 Gresham-Barlow District. The district has elected to continue his employment as  
10 a classroom teacher. Assistant Superintendent James Buck wrote to the  
11 Commission and expressed the opinion that Mr. Carpenter has learned his lesson  
12 and is unlikely to repeat this conduct. Mr. Buck also stated that Mr. Carpenter has  
13 performed positively since being reassigned to a teaching position.

#### 14 CONCLUSIONS OF LAW

15 1. Mr. Carpenter engaged in verbal conduct of a sexual nature towards L.C., a  
16 female high school student, during a period between March 12 and 16, 1999.  
17 Such conduct constitutes gross neglect of duty in violation of OAR 584-020-  
18 0040(4)(f).

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2. On an occasion between March 12 and March 16, 1999, Mr. Carpenter engaged in physical conduct of a sexual nature towards L.C. by hugging her and placing his face on the back or the side of the student's head and neck. This conduct had the effect of unreasonably interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment, and the conduct constitutes gross neglect of duty in violation of OAR 584-020-0040(4)(f).

*Scott L. Carpenter*  
\_\_\_\_\_  
Scott Carpenter

*7-28-00*  
\_\_\_\_\_  
Date

*David V. Myton*  
\_\_\_\_\_  
David V. Myton, Executive Director

*8/25/00*  
\_\_\_\_\_  
Date

**DISCUSSION**

Mr. Carpenter's conduct was an abuse of his role as a school counselor and teacher. If the student had responded to Mr. Carpenter's overtures, it may have lead to even more serious conduct.

The brief physical contact between Mr. Carpenter and the student was also is a violation of Commission standards. Standing alone this conduct might not have been inappropriate. However, viewed in the context of Mr. Carpenter's earlier conversations with the student, the poem and letter he wrote to her, the fact that he had proposed a secret relationship and the fact that the physical contact occurred while Mr. Carpenter and L.C. were alone leads to the conclusion that the physical contact was sexual in nature. The contact also was alarming to the student and had the effect of creating an intimidating, hostile or offensive educational environment.

1 The Commission will revoke Mr. Carpenter's Personnel Service License. The  
2 Commission chooses not to revoke or suspend Mr. Carpenter's teaching license based on the  
3 following factors:

4 (1) Mr. Carpenter has already received a seven-day suspension without pay from the  
5 District; (2) this incident appears to be isolated with no evidence of similar behavior over  
6 Mr. Carpenter's 20 year career as an educator; and (3) the employing district supports  
7 Mr. Carpenter and is willing to continue employing him.

8 For these reasons the Commission will allow Mr. Carpenter to retain his teaching license subject  
9 to a period of probation.

10 Terms of probation will include a psychological evaluation. Although Mr. Carpenter  
11 attended three counseling sessions, the Commission is not satisfied that Mr. Carpenter has  
12 received sufficient evaluation and treatment to assure the conduct in this case will not be  
13 repeated.

14 Under ORS 342.175(3) any person whose teaching license has been revoked may apply  
15 for reinstatement at any time after one year from the date of the revocation. Thus, Mr. Carpenter  
16 will at some point have a statutory right to apply for reinstatement of his personnel service  
17 license. Without binding the discretion of future commissioners, it is recommended that Mr.  
18 Carpenter's personnel service license not be reinstated at any time within the foreseeable future.  
19 This recommendation is because his misconduct in this case is particularly relevant to his duties  
20 as a school counselor and the position of trust that is embodied in the role of a counselor.

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**ORDER**

1. The Personnel Service License of Scott Carpenter is revoked.
2. Mr. Carpenter shall be permitted to retain his Standard Oregon Teaching License. He shall be placed on probation for a period of four years, subject to the conditions:
  - (a) At his own expense, Mr. Carpenter shall submit to a psychological evaluation by a psychotherapist or mental health professional acceptable to the Commission. The examiner shall prepare a written report that shall be submitted to the Commission within the 90 days of the date of this Order. The evaluation shall address whether Mr. Carpenter is fit to work with students and whether there is a likelihood that Mr. Carpenter may engage in similar unprofessional conduct in the future. Mr. Carpenter shall also sign a written consent and take any other action as necessary for the evaluator to release records to the Commission or for the Commission to discuss Mr. Carpenter's evaluation and treatment with the evaluator.
  - (b) Mr. Carpenter, at his own expense, shall participate in any follow-up counseling and treatment as recommended by the evaluator. Mr. Carpenter shall sign a written consent and take any other action as necessary for the treatment provider to release records to the Commission or for the Commission to discuss Mr. Carpenter's treatment with the treatment provider.
  - (c) Mr. Carpenter shall comply with all Standards for Competent and Ethical Performance under OAR 584 Division 020.



1 (d) Mr. Carpenter shall provide to the Commission such information as the  
2 Commission requests to verify that he has complied with the conditions of  
3 probation, including a statement from his employing school district that he  
4 has complied with Commission standards under OAR 584 Division 020.

5 Violation of the terms of this probation may constitute an independent basis for the  
6 Commission to impose discipline, up to and including revocation of Mr. Carpenter's Oregon  
7 Teaching License and subject to his right to a hearing on the issue of whether he violated  
8 probation.

9 IT IS SO ORDERED this 28<sup>th</sup> day of Sept, 2000.

10 TEACHER STANDARDS AND PRACTICES COMMISSION

11  
12 By: David V. Myton  
13 David V. Myton, Executive Director